

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/071,091 Patent No.: N/A

Applicant: Dan Kikinis

Filed: February 7, 2002

TC/A.U.: ~~2152~~ 2611

Examiner: Unassigned

Docket No.: ISURFTV163

Customer No.: 33448

RECEIVED

DEC 18 2003

DUPLICATE

Technology Center 2600

SUBMISSION OF REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


S I R:

The undersigned herewith submits an executed Revocation of Power of Attorney and Appointment of New Power of Attorney (form PTO/SB/82) and respectfully requests that same be entered for the above-identified U.S. Patent Application. The undersigned also notes a Change of Name dated July 18, 2003 was previously submitted to the United States Patent and Trademark Office, which advised that the corporate name of iSurfTV had been legally changed to Etalon Systems, Inc. A copy of this Change of Name is attached hereto as Exhibit A for your reference.

Also by way of an Assignment dated July 18, 2003 (a copy of which is attached hereto as Exhibit B) Etalon Systems, Inc. assigned all right, title and interest in the noted U.S. Patent Applications to Eagle New Media.

Respectfully submitted,

Date: December 16, 2003

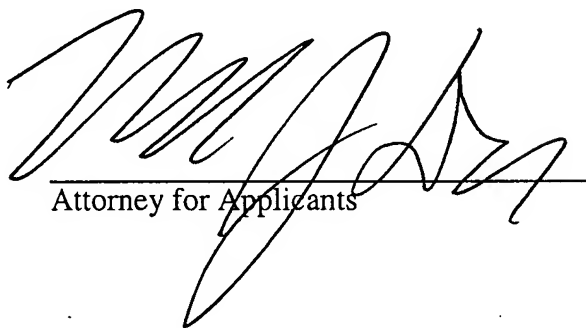


Robert J. Depke (Reg. #37,607)
HOLLAND & KNIGHT LLC
131 S. Dearborn, 30th Floor
Chicago, Illinois 60603
Tel: (312) 263-3600
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal
Service as First Class Mail on December ¹⁸~~16~~, 2003 in an envelope addressed to:

**Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**



Attorney for Applicants

RECEIVED

DEC 18 2003

PTO/SB/82 (06-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF ATTORNEY and APPOINTMENT OF NEW POWER OF ATTORNEY

Application Number	10/071,091
Filing Date	February 7, 2002
First Named Inventor	Dan Kikinis
Art Unit	2152
Examiner Name	Unassigned
Attorney Docket Number	ISURFTV163

I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners at Customer Number:

33448

☒ Please change the correspondence address for the above-identified application to:☒ The address associated with Customer Number:

33448

OR

☐ Firm or Individual Name

Address

Address

City

Country

State

Zip

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name Mark W. Hianik, Assistant Secretary, Eagle New Media Investments, LLC

Signature

Date

10-16-03

Telephone

(312) 222-4303

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**SECRETARY OF STATE**

I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

 JUL - 7 2003

Kevin Shelley
Secretary of State



A0598551

CERTIFICATE OF AMENDMENT

OF ISURFTV

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUL - 7 2003

KEVIN SHELLEY
Secretary of State

Gene Feroglia and Katherine Y. Marshall certify that:

1. They are the duly elected and acting President and Secretary, respectively, of iSurfTV, a California corporation (the "Corporation").
2. Article I of the Corporation's Fourth Amended and Restated Articles of Incorporation, which were filed with the California Secretary of State on July 12, 2002, which presently reads as follows:

"The name of the Corporation is iSurfTV"

is amended to read as follows:

"The name of the corporation is Etalon Systems, Inc."

3. The foregoing amendment of the Fourth Amended and Restated Articles of Incorporation has been duly approved by the Board of Directors of the Corporation.

4. The foregoing amendment of the Fourth Amended and Restated Articles of Incorporation has been duly approved by the required vote of the shareholders of the Corporation in accordance with Sections 603 and 903 of the California General Corporation Law. The total number of outstanding shares of this corporation entitled to vote with respect to the foregoing Certificate of Amendment to Fourth Amended and Restated Articles of Incorporation was 9,083,535 shares of Common Stock, 937,500 shares of Series A Preferred Stock, 3,246, 373 shares of Series B Preferred Stock, 411,523 shares of Series B-1 Preferred Stock and 1,028,513 shares of Series C Preferred Stock. The number of shares voting in favor of the amendment equaled or exceeded the vote required, such required vote being at least a majority of the total number of outstanding shares of Common Stock, at least a majority of the total number of outstanding shares of Preferred Stock and at least a majority of the total number of outstanding shares of Series C Preferred Stock.

The undersigned declares under penalty of perjury under the laws of the State of California that he has read the foregoing Certificate of Amendment and that the matters set forth in this Certificate are true and correct to his own knowledge.

Executed at Sunnyvale, California on July 3, 2003.


Gene Feroglia, President


Katherine Y. Marshall, Secretary

